

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

FILED

2004 APR 30 A 11:29

In re

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Bk. No.

CLERK OF THE
BANKRUPTCY COURT
DISTRICT OF NH

Alexander N. Vergara

*

Chapter 13

*

Hearing: May 26, 2004

Debtor

*

10:00 a.m.

**MOTION FOR AUTHORITY TO SELL REAL ESTATE FREE AND CLEAR
OF LIENS AND OTHER INTERESTS**

The debtor in the above-entitled matter, Alexander N. Vergara, hereby moves, in accordance with Bankruptcy Code §363(b)(1) and (f), 503(b) and 506(c) and Bankruptcy Rules 6004(c) and 2002(a)(2) and (c), for authority to sell a certain piece of real estate described below free and clear of liens and other interests, and to pay certain expenses related to this sale. In support hereof, the debtor states as follows:

1. The debtor proposes to sell at private sale a certain parcel of real estate 16 Gould Pond Road, Henniker, NH 03242, for the price of \$260,000 to Laura E. Jefferson, 75 Meridian Street, Melrose, Massachusetts 02176. The further terms and conditions of this sale are set forth in the Sales Agreement and Deposit Receipt dated April 12, 2004, and amendments thereto, all attached as Exhibit 1 hereto.

2. The aforesaid real estate is encumbered by the following liens and interests:

<u>Name and Address of Lien Holder</u>	<u>Type of Lien</u>	<u>Amount</u>
Tax Collector Town of Henniker 2 Depot Hill Road Henniker, NH 03242	Real Estate Tax	\$29,038.27 plus per diem interest
CitiFinancial P.O. Box 913 Owings Mills, MD 21117-0700	First Mortgage	\$412,146.36
represented by Alexander Buchanan, Esq. Tricia L. Hayes, Esq. Jordan, Maynard & Parodi, PLLC 40 East Pearl Street Nashua, NH 03060		
Barkley Group, Inc. c/o Haskell & Dyer, P.C. P.O. Box 507 Amesbury, MA 01913	Real estate attachment	\$9,905.25

3. Upon sale as authorized by the bankruptcy court, the aforesaid liens shall attach to the proceeds of the sale in the order of their existing priority, except that there shall first be paid from these proceeds (a) a real estate commission in the amount of \$13,000 due to Jean Hooker & Associates Real Estate, Inc., for bringing about this sale as authorized by an appropriate order of the bankruptcy court for the employment and payment of compensation to the aforesaid Jean Hooker & Associates Real Estate, Inc., and (b) fees and closing costs for preparation and recording of the deed and lien discharges, legal fees and expenses for obtaining court approval of this sale (not to exceed \$500.00), real estate transfer taxes, proration of current real estate taxes, water, sewer and utility charges, rents and rent deposits (if any).

4. Objections to the granting of this motion for authority to sell free and clear of liens and other interests must be filed with the bankruptcy court, with a copy to undersigned counsel, on or before May 21, 2004. A hearing on the motion for authority to sell shall be held at the U.S. Bankruptcy Court, 4th Floor, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, New Hampshire, on May 26, 2004, at 10:00 a.m.

Respectfully submitted,

ALEXANDER N. VERGARA
By His Attorneys
Gray Wendell & Clark P.C.

April 28, 2004

By: 

Greenville Clark III
BNH01158
650 Elm Street
Manchester, NH 03101
603-625-4100

CERTIFICATION

I hereby certify that a copy of the foregoing has been forwarded this 28th day of April 2004, via first class mail, postage prepaid, to

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P.O. Box 41567
Philadelphia, PA 19101

CitiFinancial, Inc.
P.O. Box 649
Hanover, MD 21076

Concord Hospital
c/o Welts & White
29 Factory Street
Nashua, NH 03062

The Molway Corporation
d/b/a BitznBytes Computer Center
233 Loudon Road
Concord, NH 03301

Tax Collector
Town of Henniker
2 Depot Hill Road
Henniker, NH 03242

Internal Revenue Service
Special Procedures Function
195 Commerce Way, Suite B
Portsmouth, NH 03801


Grenville Clark III